

RSA-2214-1997

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2025:PHHC:164409



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

RSA-2214-1997

Date of decision : 27.11.2025

Punjab State and others

... Appellants

Versus

Abdul Rehman

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sandeep Singh, AAG, Punjab
for the appellants.

Mr.R.S. Bains, Senior Advocate with
Mr.Sarabjot Singh Cheema, Advocate,
Mr.Utav Singh Bains, Advocate and
Mr.Sumeet Singh, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. The respondent-plaintiff had filed the suit in the year 1991 for declaration to the effect that termination order dated 18.01.1990 was illegal, null and void. The trial Court had decreed the said suit and the termination order was held to be illegal, null and void. In the appeal filed by the State of Punjab, the Ist Appellate Court, after taking into consideration the fact that the enquiry report had not been furnished to the delinquent official, had dismissed the appeal with the following observation:-

“12. In view of my above discussion, I am unable to discern

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any error or irregularity in the impugned judgement and decree of the learned trial court, Therefore, the appeal is dismissed with costs. However, the appellants shall be at liberty to take a fresh decision after providing the appellant with a copy of the enquiry report, if so advised. Counsel's fee is assessed at Rs.600/- Decree sheet be prepared accordingly.

*PRONOUNCED. (BALBIR SINGH)
21.1.1997. ADDITIONAL DISTRICT JUDGE
ROPAR”*

2. On 04.01.2024, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“Present : Mr. Abhay Pal Singh, DAG, Punjab
for the appellants.*

*Mr. R.S. Bains, Senior Advocate with
Mr. Amar Jeet, Advocate for the sole respondent.*

*The matter has come up for hearing after the year
1998.*

*Learned Senior Counsel for the respondent
submits that the present appeal may have been rendered
infructuous as vide order dated 27.01.1998, passed by this
Court the respondent was directed to be re-instated in service
and by this time he may have retired. It is further submitted
that in the connected appeal bearing RSA-1339-1997, filed by
the respondent herein, the orders under challenge in the
present second appeal have been upheld by this Court.*

*Learned counsel for the appellant-State prays for
time to update instructions in this regard and also to place on
record a copy of judgment passed by this Court in RSA-1339-
1997.*

Adjourned to 31.01.2024.



04.01.2024”

3. In pursuance of the said order, the State had filed an affidavit in which it has been stated that the respondent-plaintiff is due for retirement / superannuation on 31.12.2025 and had also annexed the order passed in RSA-1339-1997, which was filed by the respondent-plaintiff, which appeal has been dismissed as not pressed by the respondent-plaintiff.
4. It is not in dispute that since the termination order had been set aside, the respondent-plaintiff was reinstated and has been working and is due to retire on 31.12.2025. The Ist Appellate Court had granted liberty to the appellants to take a fresh decision after providing appellants with a copy of the enquiry report. The regular second appeal filed by the respondent-plaintiff against the same had not been pressed and the orders have been upheld.
5. Learned counsel for the appellants in view of the said circumstances has submitted that the present appeal be disposed of with liberty to the appellants to revive the same in case any cause survives.
6. In view of the above, the present appeal is disposed of with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

November 27, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No